

Topsfield Conservation Commission
Minutes of June 25, 2014
Topsfield Town Library Meeting Room

Present: Commissioners Cheryl Jolley, Jim MacDougall, Jim Carroll, Holger Luther. TCC Administrator, Lana Spillman

Absent: Jennie Merrill

In attendance: Selectman Gandt, Greg Krom, John Cowhig, Kristin and Jon Palace, Jean Ramsey, Kerry Ditson (TCC Intern), and Selectman Dick Gandt

At 7:04 PM there being a quorum, Vice Chairwoman Jolley opened the meeting:

HEARINGS:

RDA 2014-02: 6 School Avenue, (Map 41, Lot 030), Town of Topsfield Water Dept.

This request is relative to the repair of a water main in the School Avenue right of way in the Riverfront Area of School Brook. Krom explained that the main has sprung a leak that needs repair. This project should at most take a day and won't affect the brook or its environs. Luther moved to close the hearing – the motion was seconded and all voted in favor. Luther then moved to issue a Negative Determination of Applicability under the Act and Bylaw subject to the usual conditions as the TCC may impose. Motion seconded by MacDougall; all voted to approve.

Continuation of NoI 307-0715: Washington Street, Town of Topsfield Water Dept., Stantec Consulting Services, Inc.

The continuation of the hearing was occasioned by the fact that the DEP had not issued a file # on the date of the opening of the hearing. A file # having been issued since then, Luther moved to close the hearing; duly seconded, the motion was approved unanimously. Luther then moved to approve the proposed work and issue an Order of Conditions under the provisions of the Act and Bylaw subject to the usual and customary conditions to be listed in the OoC, seconded by Carroll; the motion was approved unanimously.

REQUESTS:

RDNI #2014-12: 21 Winsor Lane, (Map 27, Lot 031), Palace

The proposal calls for the removal of five large mature oak trees, a maple, and medium-sized white pines in the Riverfront Area of Mile Brook. These trees are too close to the house. All smaller trees will remain. Luther moved to issue a Determination of Negligible Impact under the Bylaw subject to the usual conditions relative to tree removal in Resource Areas. Motion was seconded; all voted in favor thereof.

RDNI #2014-13: 32 Gail Street, (Map 40, Lot 026), Giovannacci.

This is an “after the fact” application for removal of seven small to medium sized evergreens in the Cleveland Brook Riverfront Area and buffer zone. The TCC frowns upon such filings, but does accept them in lieu of issuing fines for violations. Luther moved to make a Determination of Negligible Impact under the Bylaw; motion seconded, all voted in favor thereof.

Continuation of CoC Request #307-0703: 34 Gail Street, (Map 40, Lot 028), Morrison.

The previous owner of the property, Morrison, who filed the NoI for the work constructing a new house, septic system, and drainage appurtenances on the lot requested the CoC upon submission of an as-built plan of the construction and a certificate from Hayes engineering that the work complies substantially with the issued Order of Conditions (OoC). While the CoC application was in process, the house was sold. The new owners hired a yard service man to cut down a number of trees in the Resource Area for which the TCC issued a Violation Notice. The issue discussed by the Commission was the question of whether the violation was part and parcel of the OoC that had been issued pursuant to Morrison's request for a CoC, or whether it should be considered separate and distinct even though it had occurred on the same lot. After some discussion it was determined that the previous owner, Morrison, had no liability for the violations committed by the new owner, and as the request and supporting submission for the CoC were found to be substantially correct, Luther moved to issue the CoC under the Act and Bylaw for the work done subject to the OoC. The TCC will then issue a separate Enforcement Order to mitigate the violations committed by the new owner(s). The motion was seconded by MacDougall and approved unanimously.

Emergency Certification #2014-02: Bradley Palmer State Park, 120 Asbury Street, (Map 37, Lot 006), DCR.

Following discussion, the Emergency Certification issued to DCR for the installation and repair of relief pipes and other water flow control devices, lowering beaver dams, and repair of blocked culverts by the TCC Administrator was ratified unanimously upon motion by Luther – seconded by Carroll.

CoC Request #307-0694: 7 Parsonage Lane, (Map 32, Lot 100), Newcomb.

TCC Administrator Spillman inspected the completed work and recommended issuance of the CoC. Luther moved to issue the CoC under the Act and Bylaw, Carroll seconded the motion that was approved unanimously.

CoC Request #307-0658: 22 Evergreen Lane (Builder's Lot 18) and 5 Hickory Lane/Open Space, (Map 50, Lots 032 and 039, respectively), Symes Assoc., Beals Assoc.

The footbridge over the Intermittent Stream, the subject of a condition required for issuance of a CoC for the OoC for 22 Evergreen Lane and 5 Hickory Lane/Open Space has been completed, but not as an Eagle Scout project originally intended. Plantings along the limit of work in the Buffer Zone in back of the house at 22 Evergreen seem to be in need of appropriate attention to ensure their survival, and are insufficient to indicate sufficiently the limit of authorized activities and to stabilize the area. Luther recommended the deposition of meadow mix grass seed in the bare ground around the plants and Spillman recommended the addition of at least three shrubs at the edge of the grass sod where the silt sock is located (limit of work on the TCC-approved plan). All such seeding and planting will need at least one year to ensure that the results are viable and healthy before a CoC can be issued. Administrator's recommendation is to deny the request pending the completion of planting and seeding and a year's observation as to viability and health of plantings. Luther so moved, seconded by MacDougall, all voted in favor of the resolution.

OTHER:

Violation Notice #2014-03: 34 Gail Street, (Map 40, Lot 028), Cook and Cowhig.

It was noted that the issue had been dealt with relative to the CoC request of Morrison for the same property.

Work on Topsfield Rail Trail:

Greg Hochmuth of Hancock Associates has graciously offered his time to flag the remaining resource areas north of Washington Street. MacDougall noted that he had flagged most of the area south of Oak Drive, leaving the areas north thereof. The offer was duly noted and is appreciated.

Summer Intern Kerry Ditson Report:

Kerry is getting started on a project to design a web page for the TCC that will contain information concerning wetland regulations, the conditions under which an application to the TCC is required and the kind of application needed, and other topics that residents need to know relative to wetland and habitat conservation. She also is working on a newspaper article with information about the charge and functioning of the Commission. All of these topics are to be written in plain English.

Meeting Minutes:

Approval of May 14th minutes:

Luther noted that he had amended sections of the draft relative to the Iovanella RDNI on School Street; Spillman also offered edits. Luther moved to approve the minutes of **May 14, 2014** as amended, seconded by Carroll; all voted for approval.

Administrator's Report:

DoA 2013-011 and Violation Notice 2014-01, 124 Hill Street, (Map 68, Lot 049), Iovanella.

Glenn Ritter no longer is working at the site. The dredging of Harder's drainage swale at 125 Hill Street has not been done, and the issue of water ponding on Hill Street at the entrance to 124 Hill has not been resolved, either. Spillman will contact Frank Iovanella about the matter.

120 High Street/Hickory Beech Subdivision: 18, 19, and 17 Evergreen Lane and 3 Beech Place [Builder's Lots 7, 10, 11, and 23].

Lots 18, 19, and 17 Evergreen Lane are nearing completion, but in the absence of rain it is difficult to determine if the work is adequate, Bill Manuell has provided a planting report for 8 Evergreen Lane (Lot 14) in response to the Violation Notice issued. Manuell will oversee the planting of trees and shrubs per his plan and remove invasive plants such as buckthorn. There is concern over the limit of the work line for 3 Beech Place (Lot 23) as it gets very close to the wetland bound.

Adjournment:

There being no further business to come before the Commission, a motion was made and seconded (Luther/MacDougall) that the meeting be adjourned. So voted unanimously.

The meeting was adjourned at 9:28 p.m.

Respectfully Submitted,

Holger Luther

Approved at the TCC meeting on July 16, 2014

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Commission constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Commission as to the completeness or accuracy of such statements.